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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,310	03/18/2004	Yuezhong Meng	1238.70071	5778

24978 7590 01/16/2007
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EXAMINER

MCDONOUGH, JAMES E

ART UNIT	PAPER NUMBER
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1755

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/803,310	Applicant(s) MENG ET AL.	
	Examiner James E. McDonough	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/13/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments, see page 1, line 1 to page 2, line 12, filed 11/13/2006, with respect to the abstract, the specification, and claims 1-7 have been fully considered and are persuasive. The rejection of the abstract, the specification, and claims 1-7 has been withdrawn.

Previous rejection

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo et al., USP 6,593,267 (hereafter referred to as Kuo).

Kuo discloses the invention substantially as claimed (col. 13, 1. 23-49; col. 14, 1. 55 to col. 15, 1. 14; col. 15, 1. 50-59; col. 16, 1. 13-21; col. 17, 1. 54-56).

Kuo lacks explicit disclosure that the catalyst is capable of copolymerizing carbon dioxide and epoxides, or that the zinc component is intercalated within the layered matrix.

However, given the range of materials that may be used as the support, intercalation would be a conventional means of incorporating the zinc component into the support, and once such a composition were made it would naturally be capable of copolymerizing carbon dioxide and epoxides.

It would have been obvious to one of ordinary skill in the art to apply that skill to the disclosure of Kuo with a reasonable expectation of obtaining a highly-useful catalyst and method of making it with the expected benefit of improved flowability and operability of the catalyst.

Response to arguments

Applicants arguments have been fully considered and are found to be not persuasive.

(1) The catalyst disclosed in Kuo is significantly different from the claimed catalyst, and the Examiner recognizes Kuo's failure to disclose the catalyst being capable of copolymerizing carbon dioxide and epoxides, or that the zinc component is intercalated with the layered matrix.

Applicants argue over intended use (copolymerizing CO₂ and epoxide vs. polymerizing olefins), but intended use **does not** affect patentability.

Applicants argue zinc component interclated in layered matrix.

The reference teaches a supported catalyst. Furthermore, given the range of materials that may be used as the support, intercalation would be a conventional means of incorporating the zinc component into the support, and once such a composition were made it would naturally be capable of copolymerizing carbon dioxide and epoxides.

It would have been obvious to one of ordinary skill in the art to apply that skill to the disclosure of Kuo with a reasonable expectation of obtaining a highly-useful catalyst

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and method of making it with the expected benefit of improved flowability and operability of the catalyst.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James E. McDonough whose telephone number is (571)272-6398. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571)272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEM 1/5/2007

Aileen Felton
AILEEN FELTON
PRIMARY EXAMINER